



## State of Connecticut

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### Testimony-HB 5661

### Public Hearing February 22, 2011

Representative Urban, Senator Musto, Representative Fawcett, Senator Markley, Representative Wood, and members of the select committee on children, thank you for the public hearing and the opportunity to testify in support of HB 5661, An Act Concerning Court Interviews in Child Custody Cases.

Thousands of Connecticut families experience divorce each year. Even under the best possible circumstances, divorce takes a toll on children. Unfortunately, there are situations arise where custody becomes a bitter dispute where the children are left in the middle.

Current Connecticut law states the court shall be guided by the best interests of the child, giving consideration to the wishes of the child if the child is of sufficient age and capable of forming an intelligent preference. Connecticut has no set age upon which a child can state a preference as to which parent she/he would like to live with. A court will consider a child's preference and take into consideration the child's age and the overall circumstances of the divorce. The child's preference is not binding upon the court.

There tends to be an agreement that a child's preference should be obtained very carefully. In fact, legal professionals in Connecticut do a superb job supporting children while keeping them isolated from the process as much as possible, so they may avoid the psychological harm exposure to the court process can cause. However, Connecticut law makes no provision for older children who wish to make their preference known directly to the person making the decision where they will live. The opportunity to speak with the court is determined by the court, which rarely allows a meeting.

HB 5661 will allow children over 12 years old to have an opportunity to communicate their preference directly to the court. Our statutes already recognize children reach a sufficient age where they are capable of forming an intelligent preference, yet these children are not afforded the opportunity to speak for themselves. While many children may be content with making their wishes known through a guardian ad litem or an

attorney, others are denied access to the person who is making one of the most significant decisions affecting their lives.

HB 5661 will not confer any extra rights to children and will not make their preference binding on the court. The intent is to allow those children who wish an opportunity to speak with the court to feel part of the process and help them accept the final decision.

Thank you for your time and consideration.